

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
Northern Division

FILED
U.S. DISTRICT COURT
DISTRICT OF MARYLAND

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CLERK'S OFFICE
AT BALTIMORE

DEPUTY

UNITED STATES OF AMERICA,
Plaintiff,

v.

5 JENKINS ROAD, CHESAPEAKE, MD,
Defendant,

and

WAYNE M. BYERLY
Claimant,

and

GMAC MORTGAGE CORPORATION,
Claimant.

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CIVIL NO. L-02-3697

ORDER

Upon review of the government's Motion for Summary Judgment and the pertinent record, it is this 20TH day of JULY 2004, ORDERED, ADJUDGED, AND DECREED as follows:

1. The United States of America has provided notice of the pendency of this forfeiture action in accordance with 18 U.S.C. section 985;

2. The time for the filing of any claim to contest this forfeiture has expired and no claimant, other than Wayne M. Byerly and GMAC Mortgage Corporation, has come forward;

3. The United States of America has established by a preponderance of the evidence that the defendant property was used

was intended to be used to commit and to facilitate the commission of drug felonies and is, therefore, forfeitable pursuant to 21 U.S.C. section 881(a)(7);

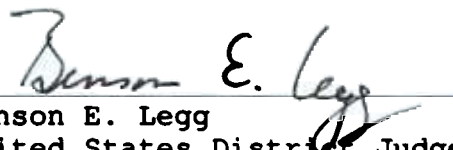
4 Claimant Wayne M. Byerly has not produced evidence to establish a genuine issue of material fact and has failed to allege or prove an innocent owner defense;

5. The interests of GMAC Mortgage Corporation have been settled by agreement with the United States;

6. The defendant property is condemned and all rights, title, and interest of Wayne M. Byerly, GMAC Mortgage Corporation, and any and all other persons, are hereby forfeited to the United States of America in accordance with the Settlement Agreement that is annexed as **Exhibit C** to the government's motion; and

7 The United States Marshal Service shall dispose of the defendant property in accordance with law and in accordance with

Settlement Agreement annexed as **Exhibit C** to the government's motion.


Benson E. Legg
United States District Judge